GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services- Special Rules for Andhra Pradesh Roads and Buildings Engineering Service 1996- Amendment- Orders- Issued.

TRANSPORT, ROADS & BUILDINGS (S.II)DEPARTMENT

G.O.MS.No. 67 Dated: 21-12-2018
Read the following:

1. G.O.Ms.No.103, TR&B (Ser.II)Dept., Dt:22.05.1996
2. G.O.Ms.No.82, TR&B(Ser.II)Dept., Dt:25.02.2009.
3. From the Hon'ble APAT orders in O.A.No.6756/09, Dt:17.8.2015.
4. From the E-in-C(R&B)Admn.,Lr.No.12743/Ser.III(3)/ 15 Dt: 6-10-2015 & dt.19.12.2015.
5. High Court orders in W.P.M.P.No.5753 of 2016 in W.P.No.4493 of 2016, Dt: 18.02.2016.
6. From the Advocate General, A.P., vide his Opinions No.30/16, Dt:13.02.2017 & 87/18, Dt:19.11.2018.
7. From the Secretary, APPSC, Vijayawada, Lr.No.852/R&R/2018, Dt:20.12.2018.

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ORDER:

In the reference 1st read above, the Special Rules for Andhra Pradesh Roads & Buildings Engineering Service was issued, wherein a provision was made in Rule 3 under Note-I of the said rules for consideration of Assistant Engineers either by promotion or appointment by transfer to the post of Deputy Executive Engineer in the ratio of 3:1 (i.e three posts to Assistant Executive Engineers and one post to Assistant Engineer)

2. In the reference 2nd read above, a proviso under Note I of Rule 3 was inserted which provided certain protection to the Assistant Executive Engineers in promotion to the Deputy Executive Engineer as hereunder:

> "Provided also that in no case shall an Assistant Engineer supersede an Assistant Executive Engineer merely on the basis of the ratio contemplated in the cycle for appointment by transfer to the position of Deputy Executive Engineer and the date of appointment in the respective category shall be the criterion."
>
> "Provided also that if an Assistant Engineer who loses his chance of consideration in the Cycle in view of the above proviso and if his date of appointment precedes the date of appointment of an Assistant Executive Engineer, subsequent thereto in the cycle, the case of such Assistant Engineer, shall be considered for promotion against the point of such Assistant Executive Engineer, without making him wait for the next point in the cycle OR rescheduling the cycle".

3. The Hon'ble APAT in its orders Dated.17.08.15 in OA.No.6756/09, set aside the said provisos inserted in G.O.Ms.No.82, TR&B(Ser.II) Department, Dated.25.02.2009.

4. The Engineer-in-Chief (R&B) Administration, Vijayawada vide his Lr Dt:06.10.2015 & 19.12.2015 has furnished the proposals for annulment of G.O.Ms.No.82, TR&B(Ser.II) Department, Dt:25.02.2009 along with draft amendment proposal, with retrospective effect to comply the directions of the APAT.

5. The Hon'ble High Court in its orders Dated. 18.02.2016 in W.P.MP No. 5753 of 2016 in W.P.No.4493 of 2016 also observed that, on a deep consideration of the matter, **the court is in prima facie agreement with the Tribunal.** By introducing the proviso impugned before the Tribunal, the State has virtually made the ratio fixed for promotion in favour of the Assistant Engineers nugatory. In this view of the matter, we do not find the elements of balance of convenience and

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irreparable injury in favour of the applicants for granting the interim relief. Hence, WPMP is dismissed, by making it clear that any action taken in pursuance of the order Dated. 17.8.2015 in O.A. No. 6756 of 2009 of the Tribunal and circular Memo No. 3939/Ser.I(3)/2015 Dated. 19.12.2015, shall be subject to the result of the Writ Petition.

6. In the reference 6th read above, the Advocate General, Andhra Pradesh, has opined that there is no existing seniority list for Deputy Executive Engineers and therefore the question of depriving someone of their accrued benefits does not arise, the Department if it wishes to do so may amend the Andhra Pradesh Roads & Buildings Engineering Service Rules 1996 with retrospective effect from 25.02.2009.

7. The Government after careful examination hereby decide to amend the Special Rules for Andhra Pradesh Roads & Buildings Engineering Service, 1996.

8. The Secretary, Andhra Pradesh Public Service Commission, Vijayawada in his letter 7th read above has conveyed the concurrence of the Commission for amending the service rules issued in G.O. 1st read above for the said proposal.

9. Accordingly, the following Notification will be published in the Extraordinary issue of the Andhra Pradesh Gazette:-

NOTIFICATION

In exercise of powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Andhra Pradesh, hereby makes the following amendment to the Special Rules for the Andhra Pradesh Roads and Buildings Engineering Service, issued in G.O.Ms.No.103 TR&B (Ser.II)Department, Dated:22.05.1996 as subsequently amended from time to time.

This amendment shall be deemed to have been come into force with effect on and from 25.02.2009.

AMENDMENT

"In rule 3 of the said rules, the 6th and 7th provisos under Note-I shall be omitted".

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief (R&B)Administration, NH & CRF., Vijayawada, Andhra Pradesh.
The Commissioner of printing & Stationary(Gazette wing), Vijayawada (with a request to publish in gazette and furnish (50) copies to Government)
Copy to:
The all Chief Engineers of Roads &Buildings Department,
The Secretary, Andhra Pradesh Public Service Commission, Vijayawada, Andhra Pradesh.
The Accountant General, Enikepadu, Vijayawada, Andhra Pradesh.
The General Administration (Ser.E) Department, A.P.Secretariat.
The Law Department, A.P. Secretariat.
The OSD to Hon'ble Minister(R&B), A.P. Secretariat.
The P.S to Spl.C.S, TR&B Dept., A.P. Secretariat.
Sf/Sc.

//FORWARDED :: BY ORDER//

SECTION OFFICER